

DOCKET NO. END-5033

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Edward Rhad et al.

Serial No.: 10/674,184

Art Unit: Not assigned

Filed : 09/29/2003

Examiner: Not assigned

For : RESPONSE TESTING FOR CONSCIOUS SEDATION USING FINGER
MOVEMENT RESPONSE ASSEMBLY

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

January 9 2004

(Date of Deposit)

Linda F. Hansen

(Name of applicant, person signing, assignee, or Registered Representative)

(Signature)

January 9 2004

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SUBMISSION OF COMBINED DECLARATION AND POWER OF ATTORNEY

Dear Sir:

Pursuant to Rule 53(f) and Rule 54, please find enclosed a Combined Declaration and Power of Attorney for the application of Edward Rhad et al. entitled RESPONSE TESTING FOR CONSCIOUS SEDATION USING FINGER MOVEMENT RESPONSE ASSEMBLY, attorney Docket No. END-5033, to complete, pursuant to Rule 51, this application filed on September 29, 2003 by Express Mail pursuant to Rule 10. As required, a copy of the Notice to File Missing Parts of Application is also attached.

Please charge Johnson & Johnson Deposit Account No. 10-0750/END-5033/VEK in the amount of \$130.00 for submission of the Declaration pursuant to Section 1.16(e). The Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment to Account No. 10-0750/END-5033/VEK. This sheet is submitted in triplicate.

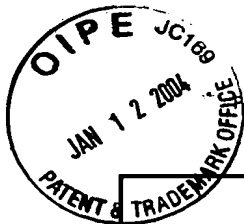
Respectfully submitted,

Verne E. Kreger, Jr.

Reg. No. 35, 231

Attorney for Applicant(s)

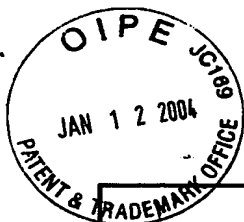
Johnson & Johnson
One Johnson & Johnson Plaza
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(513) 337-3295
Dated: January 9, 2004



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DECLARATION AND POWER OF ATTORNEY FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63) <input type="checkbox"/> Declaration Submitted with Initial Filing OR <input checked="" type="checkbox"/> Declaration Submitted after Initial Filing (Surcharge (37 CFR 1.16(e)) required)	Attorney Docket Number	END-5033			
	First Named Inventor	Edward Rhad et al.			
	COMPLETE IF KNOWN				
	Application Number	10/674,184			
	Filing Date	September 29, 2003			
	Group Art Unit				
	Examiner Name				
As a below named inventor, I hereby declare that: My residence, mailing address, and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: RESPONSE TESTING FOR CONSCIOUS SEDATION USING FINGER MOVEMENT RESPONSE ASSEMBLY <i>(Title of the Invention)</i> the specification of which <input type="checkbox"/> is attached hereto OR <input checked="" type="checkbox"/> was filed on (MM/DD/YYYY) 09/29/2003 as United States Application Number or PCT International Application Number 10/674,184 and was amended on (MM/DD/YYYY) <input type="checkbox"/> I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application. I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed.					
Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached? YES NO	
			<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:					



DECLARATION - Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status
		Pending

I hereby appoint:

☒ Practitioners at Customer Number **000027777** →

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☐ Practitioner(s) named below:
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as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Address all telephone calls to Gerry S. Gressel at telephone number (513) 337-3295.

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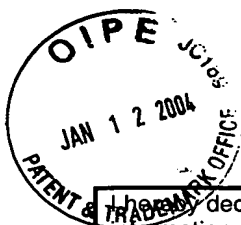
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:

☐ A petition has been filed for this unsigned inventor

Given Name Edward
(first and middle [if any])

Family Name Rhad
or Surname

Inventor's
Signature

Edward Rhad

Date

9/30/03

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City Fairfield

State Ohio

ZIP 45014

Country USA

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SECOND INVENTOR:

☐ A petition has been filed for this unsigned inventor

Given Name Salvatore
(first and middle [if any])

Family Name Privitera
or Surname

Inventor's
Signature

[Signature]

Date

10/31/03

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ZIP 45040

Country USA

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF THIRD INVENTOR:

☐ A petition has been filed for this unsigned inventor

Given Name Stephen
(first and middle [if any])

Family Name Balek
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Inventor's
Signature

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